

### **REMARKS**

The application has been fully reviewed in light of the Office Action dated December 15, 2004. Claims 1, 2, 4-18 and 20-26-20 are pending, with claims 1, 9, 17, 25 and 26 being independent. Claims 1, 9, 11, 12, 17, 20, 25 and 26 have been amended. Claims 3 and 19 have been cancelled without prejudice and/or disclaimer of subject matter. Each of the issues raised in the outstanding Office Action are addressed below.

#### *§102 & §103 Rejections*

Claim 1-26 were rejected under 35 U.S.C. §102 and §103 as reciting subject matter that would have been anticipated over U.S. patent no. 5,543,607 (Watanabe et al.), and obvious over Watanabe et al. in view of U.S. patent no. 5,420,606 (Begum et al.). For the following reasons, Applicants respectfully submit that the claimed invention is patentable over the prior art.

#### **The Invention**

Claim 1 is directed to an apparatus an apparatus for transporting items for purchase at a checkout location. The apparatus includes a conveyor, a processing area positioned downstream from the conveyor for processing one or more items for purchase, a user proximity sensor for sensing a user at the processing area, a start sensor positioned at a first end of the conveyor located farthest from the processing area and a stop sensor positioned at a second end of the conveyor near the processing area. The conveyor transports one or more items upon the start sensor sensing the one or more items prior to the proximity sensor sensing a user and the conveyor stops upon one or more items being sensed by the stop sensor. Independent claim 17 recites similar patentable features.

Claim 9 is directed to a method for transporting items along a conveyor for a checkout system. The method includes starting a conveyor in a transporting direction upon a first item being placed in proximity to a start sensor prior to a user being sensed by a user proximity

sensor provided at a processing area, transporting the first item beyond the start sensor, stopping the conveyor prior to the first item reaching an end of the conveyor if the user proximity sensor indicates that a user is absent at the processing area, transporting the first item toward the end of the conveyor if the user proximity sensor indicates a user is present at the processing area, transporting the first item toward the second end of the conveyor upon a second item being placed in proximity to the start sensor and stopping the conveyor upon the first item being sensed by a stopping sensor. Independent claims 25 and 26 recite similar patentable features.

It is a feature of the claimed invention that a conveyor for a self-checkout system transports items to a processing area without the user being present at the processing area first. As can be seen in Figure 2, a user can approach the self-checkout system on the left hand side of the system and load the conveyor with items, without first approaching the processing area. After the conveyor has been loaded with items, the user can then move to the processing area to scan the items over a bar code scanner.

#### The Cited Prior Art

Watanabe et al. is understood by Applicants to be directed to self-checkout system and point-of-sale system. Figures 1A and 1B are representative of the system disclosed in Watanabe et al. To that end, the system includes a belt conveyor, sensors for detecting the products (front sensors; rear sensors), a scanner for reading out, in the inside thereof, a bar code of products, a stocker divided into two portions for stacking the commercial products, a display, a keyboard, a stopper, switching lever for switching the stocker for stocking the commercial products, a printer a magnetic card reader/writer, a scanner, and a sensor for detecting an operator. In column 7, lines 50-56, Watanabe et al. states that the very first thing that occurs when using the system, is that the operator sensor detects the operator standing in front of the self-checkout system.

Belgum et al. is understood to disclose an electronic coupon verification system. Each shopper is provided with an electronic communications device having a display for displaying a graphic of a redemption coupon that represents a discount for an item in the store

available for purchase. The communications device includes a selection button to enter the selection of the coupon indicating the user's desire to redeem the coupon and a memory to record the selection until the shopper reaches the checkout counter (see Abstract). Applicants do not understand why this reference was cited in the outstanding Office Action, as there are no statements in the Action which discuss the reference.

#### Analysis

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. 2131, quoting, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

With regard to obviousness, for one to establish a prima facie case of obviousness, three criteria must be met:

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. there must be a reasonable expectation of success; and
3. the prior art references must teach or suggest all the claim limitation.

M.P.E.P. §2143.

After a careful review of the cited prior art and the claimed invention, Applicants respectfully submit that the claimed invention is patentable and is neither anticipated nor obvious over the cited prior art. In particular, nothing could be found in either Watanabe et al. and Begum et al., either alone or in combination, which discloses, teaches or suggest a self-checkout system according to the invention claimed in claims 1, 9, 17, 25 and 26. More specifically, Applicants could not find all the features recited in the independent in either reference alone (i.e., neither reference anticipates the claimed invention). Furthermore, the

combination of the disclosures of both cited references do not teach or suggest the invention recited in the independent claims.

In particular, neither reference, when taken alone or in combination, discloses, teaches or suggest a self-checkout system having a processing area is positioned downstream from a conveyor for processing one or more items for purchase, and/or where a start sensor positioned at a first end of the conveyor is located farthest from the processing area, which may be started without and operator/user positioned at the processing area.

The above noted feature missing from the cited prior art allows a shopper using a claimed system to load a conveyor with items for purchase prior to having to scan the items in a processing area. Upon a shopper placing items on the conveyor, the start sensor starts the conveyor so that they are transported toward the processing area.

Accordingly, neither Watanabe et al. nor Begum et al. include a conveyor - processing area arrangement such as that which is disclosed and claimed, and Applicants respectfully submit that the above noted arrangement of features would not be considered obvious in view of the cited art. Thus, Applicants respectfully submit that the claims 1, 9, 17, 25 and 26 are patentable over the cited prior art. Since the remainder of the pending claims are each dependent upon one or another of the independent claims, they are patentable for the same reasons. Accordingly, withdrawal of the prior art rejections against the claims is not respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that the issues raised in the Office Action of December 15, 2004 have all been addressed, and that the present application is condition for allowance. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

It is believed that no additional fees are due with respect to the number of claims. A check in the amount of \$120.00 for a one-month extension of time is enclosed. In the event that it is determined that any additional fees are due in such respects, the Director is hereby

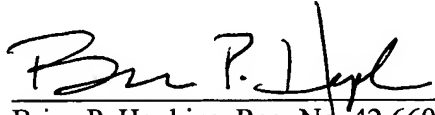
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Attorney Docket No.: 27799-023

authorized to charge the undersigned's Deposit Account No. **50-0311**, reference attorney docket no. 27799-023, Customer No. 35437.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 692-6803. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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